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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/758,152	01/12/2001	Richard B.C. Tucker SR.	STX-001	8917

7590                    03/12/2003

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EXAMINER

DUONG, THANH P

ART UNIT	PAPER NUMBER
3711	

DATE MAILED: 03/12/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

<b>Application No.</b> 09/758,152  <b>Examiner</b> Tom P Duong	<b>Applicant(s)</b> TUCKER, RICHARD B.C.  <b>Art Unit</b> 3711
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**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

**A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.**

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### **Status**

1) Responsive to communication(s) filed on 24 December 2002.

2a) This action is **FINAL**.                    2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### **Disposition of Claims**

4) Claim(s) 1-14,38-54,72,74,89-97,111-113,118-126 and 129-138 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-14,38-54,72,74,89-97,111-113,118-126 and 129-138 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### **Application Papers**

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.  
     If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

### **Priority under 35 U.S.C. §§ 119 and 120**

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:  
     1. Certified copies of the priority documents have been received.  
     2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
     3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
     a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### **Attachment(s)**

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) 2) <input checked="" type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>3,4,5</u> .	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____. 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) 6) <input type="checkbox"/> Other: _____.
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## DETAILED ACTION

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

1. Claims 129-138 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. In claims 129-131 and 133-134, there is no written description of a "first magnet". In claims 129-130 and 135, there is no written description of a "second magnet".

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 129-138 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claims 129-131 and 133-134, the limitation of a "first magnet", and in claims 129-130 and 135, the limitation of a "second magnet" are indefinite and inaccurate. Herein, it is best understood that the "first magnet" is referring to magnetic sheet 32 and the "second magnet" is referring to magnetic sheet 40. Claim 132 is indefinite because Surlyn has no clear meaning.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-6 and 8 are rejected under 35 U.S.C. 102(b) as being anticipated by Tucker, Sr. (5,332,214). Tucker Sr. discloses a putter head 15, striking face 9, one or more fittings 19, support member 11, passageway or recess area 24.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 7, 9-14, 38-46, 47-54, 72, 74, 89-97, 111-113, 118-126, and 129-138 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tucker, Sr. 214' in view of Dill (6,102,813). Regarding claims 9-14, and 47-54, and 90, and 95-97, 111-113, 119-124, 126, 129-130, Tucker, Sr. discloses the striking face are fastened by a set of screws but does not suggest other means of fastening the striking face. Dill 813' teaches that the striking plate 60 can be fastened to the body 50 by means of magnets. Thus, it would have been obvious and desirable in view of Dill '813 to one having

ordinary skill in the art to provide magnetic means of striking face attachment as taught by Dill in lieu of screw-face attachment of Tucker, Sr. in order to facilitate assembly and replacement. Regarding claims 38-46, the method of replacing the face is an obvious necessary steps to replace the striking face and it would have been obvious in view of Dill in the face construction of Tucker. Regarding claim 89, Tucker, Sr. discloses a changeable elastomeric face 9 (Summary of Invention). Regarding claims 91 and 94, Tucker, Sr. discloses a shaft 17 fixing to the head. Regarding claims 92-93, the force required to detach the face is greater than the joining force would have been obvious matter of design optimization. Regarding claims 7, 14, 118, 125, it would have been obvious that the magnetic field in the face attachment provides self-attachment to the body without the use of a tool. Regarding claim 131, Tucker, Sr. discloses a weight 13 which is functionally equivalent to the metal core, seated inside the head body 19 or shell, and the support member 11 in view of Dill is made of a magnetic material and this "magnetic" support member 11 is attached to the weight 13. Regarding claim 132, Official Notice is taken that it is known in the art to made the shell body with plastic material including Surlyn™ and it would have been obvious to do so here to facilitate assembly and ease in molding. Regarding claims 72, 74, and 133-138, Tucker, Sr. discloses fasteners (21, 23, 30, 31) to secure the support member. With respect to the first and second magnets or magnetic sheets, it would have been obvious in view of Dill to one having ordinary skill in the art to provide variation of magnetic sheets in Tucker Sr.'s putter or at most thru design optimization in order to properly attach the striking face to the body.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tom P Duong whose telephone number is (703) 305-4559. The examiner can normally be reached on 8:00AM - 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Sewell can be reached on (703) 308-2126. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-7768 for regular communications and (703) 305-3579 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-4148.

Tom Duong  
March 6, 2003



Paul T. Sewell  
Supervisory Patent Examiner  
Group 3700